



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

HC

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,539	07/27/2001	R. Dennis Nesbitt	P-3611-2-D1-3-C1 201	SLD 3362

24492 7590 11/06/2002

MICHELLE BUGBEE, ASSOCIATE PATENT COUNSEL
SPALDING SPORTS WORLDWIDE INC
425 MEADOW STREET
PO BOX 901
CHICOPEE, MA 01021-0901

EXAMINER

DUONG, THANH P

ART UNIT

PAPER NUMBER

3711

DATE MAILED: 11/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/917,539	NESBITT ET AL. <i>Ch</i>
	Examiner	Art Unit
	Tom P Duong	3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 20 August 2002.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-30 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-30 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____ .

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 2-6, 8-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan et al. (5,820,489) in view of Cavallaro (5,688,191). Sullivan discloses a golf ball having a core with PGA compression 45-85 or its Riehle compression 115-75 (Col. 5, lines 14-20) and a diameter of 1.54-1.545 inch (Col. 4, lines 54-55), a cover layer containing a high acid ionomer with Shore D hardness about 65 or greater and cover thickness of 0.08-0.13 inch (Col. 5, lines 22-26 and Abstract), Col. 23, lines 21-22). Sullivan does not disclose a mantle layer but one of ordinary skill in the art recognizes that a golf ball can be fabricated with plurality of layers including a mantle layer which impact playing characteristics. Cavallaro teaches that it is desirable to include a mantle layer which believes to have an effect on the "feel" of the golf ball. (Col. 8, lines 6-24). Thus, it would have been obvious in view of Cavallaro to one having ordinary skill in the art at the time of the invention was made to incorporate a mantle layer into Sullivan's invention in order to impact a softer "feel" of the golf ball. Cavallaro discloses a mantle layer of thermoset materials (Abstract) with a mantle layer thickness of 0.025 to 0.125 inch (Col. 7, lines 34-36) and a styrene-butadiene material (Col. 4, lines 27-30), thermoplastic material of polybutylene terephthalate (Col. 4, lines 56-67). With respect to claims 3-4, Official Notice is taken that is known in the art that multilayer

golf balls with multiple core layers, and multiple intermediate or mantle layers overcome the traditional hard feel two-piece balls, and such mantle layers (intermediate layers) have thermoset material and nylon-based material of the claimed invention. (See USPN 5,856,388). It would have been obvious and desirable to use such materials in the mantle layer or intermediate layers in Sullivan and Cavallaro golf balls.

2. Claims 7 and 19-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over prior art as applied in claim 1, above and further in view of Shama (4,848,770) and Schenk (4,085,937) and Boehm et al. (5,683,312). With respect to claims 7, 19-22, and 28-29, Sullivan and Cavallaro disclose the claimed invention except a vitreous or glassy mantle layer or ceramic layer but Sullivan does disclose the use of fillers such as limestone and silica in the core formulation (Col. 9, lines 19-22) and limestone is an inexpensive filler. Shama 770' teaches that a mantle layer contains a filler (Col. 3, lines 1-6 and Col. 3, lines 25-26) to control the weight of the finished golf ball, provide the compression, and cut resistance of the golf ball. In addition, it is also known in the art that filler also provide reinforcement of the golf ball. Schenk 937' also teaches the use of filler such as precipitated silica in the formulation to reinforce the structure of the golf ball. Schenk also teaches use of glass microspheres in the formulation to provide cut resistance and control the weight of the golf ball (Col. 5, lines 57-67). Thus, it would have been obvious in view of Shama and Schenk to one having ordinary skill in the art to incorporate the filler of Shama with specific filler types of silica and glass microspheres of Schenk to control the weight, improve compression, and cut resistance as taught by Shama and Schenk. Claims 23, 24 and 25-27 recite limitations similar to claims 10, 1, and 16-18. Thus, claims 23, 24, and 25-27 are rejected for the same

reasons as applied in claims 10, 1, and 16-18, above. With respect to claim 28, the prior art disclose the claimed invention except the use of metal filler in the mantle layer; however, Boehm teaches the use of aluminum (Col. 4, lines 27-30). Thus, it would have been obvious in view of Sharma, Schenk, and Boehm to incorporate a metal filler as taught by Boehm in Sullivan and Cavallaro golf ball to control weight and provide reinforcement for the golf ball. With respect claim 29, each metal has its own specific gravity, and the selection of metal and/or alloy and its amount in the formulation must result a finished golf ball that complies with USGA weight limits. Claim 30 recites limitations similar to claim 14; thus, claim 30 is rejected for the same reasons as applied in claim 14, above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom P Duong whose telephone number is (703) 305-4559. The examiner can normally be reached on 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell can be reached on (703) 308-2126. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-9302 for regular communications and (703) 746-9302 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-4119.


Paul T. Sewell
Supervisory Patent Examiner
Group 3700

Tom Duong
November 2, 2002